

**REMARKS**

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Amended claims 1-27 are in this application.

At page 2 of the outstanding Office Action of January 15, 2003, the Examiner objected to figure 5. However, the Examiner did not state what exactly is objected to in figure 5 and the applicants cannot find anything wrong with figure 5. Applicants therefore respectfully request that the objection to figure 5 be withdrawn.

At page 2 of the outstanding Office Action of January 15, 2003, the Examiner rejected claims 7-9, 16-18 and 25-27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner stated that the claims are drawn to a contradictory limitation such as a “playback only type medium...to be dubbed.” Claims 7-9, 16-18 and 25-27 have been amended herein to overcome the 112, second paragraph rejection. Applicants therefore respectfully request that the 112, second paragraph rejection be withdrawn.

At page 3 of the outstanding Office Action of January 15, 2003, the Examiner rejected claim 1-27 under 35 U.S.C. §102(e) as being anticipated by Ashe (U.S. Patent No. 6,070,799). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, "A recording apparatus, comprising: recording means comprising a first security block having an encryption circuit and an authentication processing circuit, said first recording medium comprising a second security block...random-number generation circuit means for generating a session key to be shared with said second security block if said judgement formed from said judging means indicates that said first recording medium is allowed to be dubbed...wherein said first security block sends first authentication data to said second security block which generates second authentication data and adds this second authentication data to the first authentication data and sends both authentication data to said recording means to form said judgment."

It is respectfully submitted that Ashe teaches a recording medium having copy protection by utilizing bar code technology (column 2, lines 61-63) and reading certain ID information adapted to indicate to a recorder three copy mode cases (column 3, lines 30-37).

Amended independent claim 1 recites a random-number generation circuit for generating a session key to be shared with said second security block if it is judged that first recording medium is allowed to be dubbed. Also, the first security block sends first authentication data to the second security block which generates second authentication data and adds this second authentication data to the first authentication data and sends both authentication data to the recording means to form said judgment. Ashe is not concerned with security blocks for encrypting and authenticating data, and does not teach a random-number generating circuit.

For similar reasons, it is also believed that amended independent claims 10 and 19 is also distinguishable from Ashe as applied by the Examiner. Further, claims 2-9, 11-18 and 20-27 are dependent from one of amended independent claims 1, 10 and 19, and due to such dependency are believed to be distinguishable over Ashe as applied by the Examiner for at least the reasons described above.

Applicants therefore, respectfully request the rejection of claims 1-27 under 35 U.S.C. §102(e) be withdrawn.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:

Gordon Kessler  
Reg. No. 38,511  
(212) 588-0800